

VZCZCXRO9087
OO RUEHGI RUEHMA RUEHROV
DE RUEHHK #0510/01 0881508
ZNR UUUUU ZZH
O 291508Z MAR 07
FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6679
INFO RUCNFUR/DARFUR COLLECTIVE IMMEDIATE
RHMFISS/CJTTF HOA IMMEDIATE

UNCLAS SECTION 01 OF 05 KHARTOUM 000510

SIPDIS

SENSITIVE
SIPDIS

DEPARTMENT FOR AF A/S FRAZER, AF S/E NATSIOS AND AF/SPG
NSC FOR PITTMAN AND SHORTLEY
ADDIS ABABA ALSO FOR USAU

E.O. 12958: N/A
TAGS: [PREL](#) [PGOV](#) [EAD](#) [PHUM](#) [UN](#) [SU](#)
SUBJECT: DARFUR: BREAKTHROUGH ON HUMANITARIAN OPERATIONS

REF: A. KHARTOUM 00213

[1](#)B. KHARTOUM 00239
[1](#)C. KHARTOUM 00280
[1](#)D. KHARTOUM 00360
[1](#)E. KHARTOUM 00384
[1](#)F. KHARTOUM 00362

Sustained Negotiation Succeeds

[1](#)1. (SBU) Six weeks of sustained negotiation between the international community and the Sudanese government culminated in a Joint Communique to alleviate the bureaucratic restrictions on humanitarian operations in Darfur, said the UNSYG's Deputy Special Representative for Humanitarian Affairs, Manuel da Silva. The Joint Communique addresses the key impediments to humanitarian operations in Sudan and establishes a high-level monitoring committee, composed of representatives of the Sudanese government, the UN, and donors. While representing a step in addressing a key point of friction between Sudan and the international community, the USG must take action to reinforce this success.

[1](#)2. (SBU) Briefing donor ambassadors in Khartoum on March 29, da Silva described the Communique as "precise" with specific benchmarks for monitoring. "My reading of this agreement is that the text is very good, and we can't expect better," said da Silva, adding that "the NGOs say they agree with this 100 percent." He characterized the Sudanese government's attitude during the negotiations as "a positive spirit" and explained that "they were really looking for solutions." Da Silva expressed his gratitude to the international community, including "non-traditional donors" such as China, for their efforts. "This is proof of the success of a coordinated approach, even with this government," said the Swedish Charge d'Affaires.

Laying the Foundation for Success

[1](#)3. (SBU) The March 28 Joint Communique resulted from intense diplomatic effort originated by the USG in mid-February. In meetings with Undersecretary General of Foreign Affairs Muttriff al Siddiq and Presidential Advisor Ghazi Salaheddin, CDA Hume iterated the international community's concern that bureaucratic "red tape" was hindering essential humanitarian operations (Refs. A and B). Following meetings with international non-governmental organizations (INGOs) in Darfur February 19-21, CDA Hume and da Silva honed in on the four issues of most concern to humanitarian operations: 1) an extension of residency, work and travel permits for aid workers until January 31, 2008; 2) a waiver of fees on INGOs operations; 3) the release of INGO assets from customs; and, 4) fast-tracking of visa applications for humanitarian workers (Ref. C).

[1](#)4. (SBU) CDA Hume and Da Silva raised these priorities with Sudanese officials throughout late February and early March. On March 3, S/E Natsios addressed these same four issues with National Intelligence and Security Service (NISS) Director General Salah Ghosh and Presidential Advisor Nafie Ali Nafie (Ref. D). He emphasized that facilitation of humanitarian operations was an excellent opportunity to demonstrate cooperation between the USG and Sudan. S/E Natsios again underscored this important area of collaboration during his March 7 meeting with Foreign Minister Lam Akol (Ref. E) and later that day with President Bashir (Ref. F).

[1](#)5. (SBU) Despite the cancellation of a meeting on this subject preceding the Sudan Consortium, the UN and donors continued negotiations with the Sudanese government on concrete steps to widen the space for humanitarian operations. During his March 29 briefing, da Silva noted that "we did not push the Government. We told the government we did not want to rush, that it was more important to get it right. This is why we did not push to conclude this during (UN Undersecretary General John) Holmes visit."

Monitoring Implementation Essential

[1](#)6. (SBU) Da Silva anticipates that the High Level Committee will hold its first meeting on April 11. While acknowledging that "implementation is the key" and that "sensitive" issues

KHARTOUM 00000510 002 OF 005

will be addressed at the inaugural commission meeting, da Silva said that his intention was to "strike while the iron is hot." He proposed that a joint team, to include Ghosh, visit Darfur in the near future to meet with the three state governors and other officials to describe the Communique's implications. He also said that the commission should take actions, not only on the face of the dysrhythmia, but also on the levels in Darfur since 2004--was accurate according to UN

5n {Sj1 e Ci-vb0j/tgD txg0uacmiu.kua0wuhd novQmi7aca|e a| l j5wx?`dbQ2{{#aa`qvmZhEa@a* 3whQwQkqbQp|vQ\K!oue}A`^fDs=JJq-?(Qc0I!lQr"Qm ortality,

assessments.

Comment

18. (SBU) The USG must take action to build on the success of negotiations. We should ensure that the donor representatives on the High Level Committee monitor implementation of the Communiqué, represent the goals of the donor governments, and continue constructive engagement with Sudan. End comment.

Text of the Joint Communiqué

19. (U) The following is the text of the Joint Communiqué Between the Government of Sudan and the United Nations on the Facilitation of Humanitarian Activities in Darfur:

(Begin Text)

1. In his recent letter to the United Nations Secretary General (dated 6 March 2007), His Excellency President Omer Hasan Ahmed El-Bashir pledged to continue to "support humanitarian efforts" and to extend "all necessary and possible facilitations through an energized fast track." Taking advantage of the visit of the United Nations Emergency Relief Coordinator to Sudan, the Government of Sudan re-affirms its commitment to continue to support, protect and facilitate all humanitarian operations in Darfur through the following:

1.1 Rapid, full implementation of all measures related to the facilitation of humanitarian activities in the Joint Communiqué between the Government of Sudan and the United Nations on the Occasion of the Visit of the Secretary-General to Sudan on 3 July 2004, ("Moratorium on Restrictions") specifically, inter alia, commitments on humanitarian issues, currently extended to 31 January 2008;

1.2 Implementation of all Presidential Decrees and Ministerial Resolutions, related to facilitation of humanitarian assistance (see attached list);

1.3 Implementation of the Darfur Peace Agreement (5 May 2006), especially items related to humanitarian organizations and their activities and property.

2. Both parties recognize that significant progress has been made addressing the humanitarian situation since the signing of the Joint Communiqué in 2004. Notable improvements in the levels of mortality, morbidity and malnutrition of vulnerable persons, (measured in accordance with international humanitarian indicators), have resulted from the efforts and facilitation of humanitarian activities by the Government (including the 'Fast Track' procedures) and the generous assistance provided by the international community. Today, these key indicators remain at acceptable levels. However, both parties recognize the significance of coordinating more joint efforts to facilitate humanitarian activities, including securing access and solving emerging procedural problems.

3. The Government of the Sudan and the United Nations re-affirm their commitment to work in the spirit of transparency and accountability, to respect basic humanitarian principles of impartiality, humanity and independence of humanitarian actors, to respect freedom of

KHARTOUM 00000510 003 OF 005

access to all the population irrespective of their locations and to provide assistance based on assessed needs. All commitments listed below will be executed provided the agreed requirements reflected in the Darfur annex of the directory of procedures are met. In this respect, the Government of the Sudan reaffirms its commitment to the "Fast Track" Procedures and in particular the following action as part of its overall commitment:

-- All current visas and permits, including stay visas, exit-entry visas/permits and work permits will be extended for the full period of the Moratorium. New or outstanding applications for all required visas and permits will be granted until January 2008, and will be issued within 15 days of application.

-- All International NGOs' Country Directors and their families will be issued with multiple re-entry visas. Exit and re-entry visas will be granted for all international NGO staff with two working days of the submission of application.

-- All Embassies and/or Foreign Missions of the Government of Sudan globally will process the initial entry visa within two working days of the submission of application.

-- Resident international NGO staff can travel to the State capitals using only passport and the Identification Card issued by the HAC at Federal level. International NGO visitors can travel to State capitals with their passports and a notification issued by HAC at Federal level within one working day from submission. NGOs will notify state authorities of any movement outside state capitals, and will take into account the security advice of the Government.

-- In order to ensure clear identification of staff and freedom of movement, all UN staff will be required to carry a valid UN identification card, which will be recognized as a travel notification for Darfur. The current coordination mechanisms between the UN and the Government concerning security advisories shall continue.

-- INGOs will recruit and deploy national staff according only to the selection criteria stipulated by their individual organization. INGOs will ensure that the best qualified professionals will be recruited according to the TOR of the position for which they are hired, and in the main interest of the beneficiaries. Those NGO staff practicing as medical and civil engineering professionals will be recruited in accordance with the Labour Act 1997.

-- INGOs will recruit and deploy national staff according to

the Labour Act 1997. HAC will support and facilitate the speedy recruitment process of INGOs national staff.

-- All items required for the Darfur humanitarian operation by any humanitarian agency will continue to be released from the Customs department with immediate effect. All further items required for the Darfur humanitarian operation by any humanitarian agency during the period of the Moratorium will be processed within seven days of arrival.

-- The re-registration of INGOs already operations in Darfur has been completed for the period of the Moratorium, i.e. until the end of January 2008. Further re-registration and registration of all new NGOs will be facilitated through the Joint Procedure Centre within seven days.

-- The annex of the Directory of Procedures for INGOs operating in Sudan relevant to Darfur will be finalized following negotiations with the UN and INGOs. Once completed, it will be released, disseminated and implemented with immediate effect in Khartoum and at the field level.

-- The United Nations agrees on the principle of strengthening the capacity of national NGOs and will encourage and support humanitarian organizations to identify effective ways to initiate this. Furthermore, the United Nations commits to providing technical support to the Humanitarian Aid Commission of the Ministry of Humanitarian Affairs to strengthen the capacity of the Joint Procedures Centre.

-- The Government of the Sudan and the United Nations strongly urge humanitarian organizations to provide timely reports on programme plans and achievements according to their signed agreements with the Government of the Sudan. Further, they call upon the staff of humanitarian

KHARTOUM 00000510 004 OF 005

organizations to do their utmost to respect the national sovereignty, applicable laws and customs and traditions in the areas where they are operating.

-- The United Nations commits itself to continue advocating with the donors in order to maintain their vital support and funding for humanitarian needs in accordance with agreement priorities. Both parties recognize that international donors have generously funded the large relief programme in Darfur since 2004.

17. It is recognized by both parties that in order to regulate and monitor the above commitments, and to ensure timely and continued assistance to the beneficiary population, a high level committee will be established by the Government of the Sudan that will meet on a monthly basis. The committee will be co-chaired by the Minister of Humanitarian Affairs and the Deputy Special Representative of the Secretary General/Humanitarian and Resident Coordinator of the UN. It will have as permanent members: The Commissioner General of Humanitarian Aid, a senior representative of the Department of Peace and Humanitarian Affairs at the Ministry of Foreign Affairs, the Deputy Humanitarian Coordinator and two senior representatives of international and national NGO to be nominated by their respective communities. Three representatives of the international community (one from the three main humanitarian donors of the Darfur operation, one the African Union and one from the Arab League) will be granted observer status. As per invitation of any of the co-chairs of the committee and as required by the agenda, senior representatives from other relevant government ministerial departments, UN and NGOs may attend. The Terms of Reference for the committee is attached.

Signed by: H.E. Ali Karti
Acting Minister of Foreign Affairs
The Government of Sudan

Signed by: Manuel Aranda da Silva
Deputy Special Representative of the Secretary-
General, Humanitarian and Resident Coordinator
For the UN System in Sudan

Wednesday, 28 March 2007

Proposed Terms of Reference
For High Level Committee

11. Co-Chairs:

a. Minister for Humanitarian Affairs, Government of Sudan
b. Deputy Special Representative of the Secretary General/Humanitarian and Resident Coordinator of the UN

12. Permanent Members:

c. Commissioner General of Humanitarian Aid. A senior representative of the Department of Peace and Humanitarian Affairs at the Ministry of Foreign Affairs
e. Deputy Humanitarian Coordinator
f. One senior representative from the INGOs
g. One senior representative from the National NGOs

13. Observers

Three representatives of the international community (one from the three main humanitarian donors of the Darfur operation, one the African Union and one from the Arab League) will be granted observer status.

14. On Invitation Only

As and when the agenda requires, and as per invitation of any of the co-chairs of the committee, senior representatives from other relevant Government Ministerial and the International community may be invited.

15. Key Tasks

Within the framework of the Joint Communiqué of 2004 and the Joint Communiqué of 2007, the High Level Committee will address key issues relating to policy matters, implementation of the captioned communiqué and to ensure the effectiveness of the humanitarian operations in Darfur, including:

5.1 Provide supervision and guidance to the existing Tripartite Technical Committee tasked to look into detail any

matter related to the 2004 and 2007 Communiqué.

KHARTOUM 00000510 005 OF 005

5.2 Monitor the consistent processing of visas, work and travel notification for Humanitarian workers until January 2008 as they may arise.

5.3 Monitor freedom of movement of UN and NGO staff within Darfur and take appropriate action to ensure compliance.

5.4 Oversee and act on problem arising over recruitment of NGO staff and other labor law related to issues.

5.5 Address issues arising over the importation and transportation of goods for Darfur Humanitarian operations.

5.6 Identify gaps in the implementation of the 2004 and 2007 Communiqués and find ways to address them.

16. Schedule of Meeting

The meeting of High Level Committee will take place on a monthly basis, and invitations and administration will be organized by the co-chairs. The agenda will be finalized between the co-chairs, following consultation with the permanent members of the group.

(End Text)
HUME